

Commonwealth of Massachusetts

Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker Governor

Karyn E. Polito Lieutenant Governor Matthew A. Beaton Secretary

> Martin Suuberg Commissioner

January 6, 2017

AVX Corporation 1 AVX Boulevard Fountain Inn, SC 29644 Attn: Mr. Evan Slavitt RE: NEW BEDFORD

Release Tracking Number: 4-0000601 Former Aerovox Facility

740 Belleville Avenue

**ADMINISTRATIVE CONSENT ORDER –** 

**AMENDMENT 4** 

ACO-SE-09-3P-016-AMEND#4

Dear Mr. Slavitt:

Please find enclosed a signed copy of the Administrative Consent Order Amendment ("Consent Order") that the Department of Environmental Protection (MassDEP) has negotiated with AVX Corporation.

The Consent Order was executed on December 22, 2016 with MassDEP's signature. The terms and conditions of the Consent Order now apply and are binding.

If you have any questions regarding this Consent Order or any of the requirements contained in it, please contact Angela Gallagher at the letterhead address or by calling (508) 946-2790. MassDEP appreciates your cooperation in this matter.

Sincerely,

Millie Garcia-Serrano, MPF

**Regional Director** 

M/AG/lg

Enclosure: Copy of Administrative Consent Order Amendment 4: ACO-SE-09-3P-0016-AMEND#4

CERTIFIED MAIL # 7016 0750 0000 1748 9285 RETURN RECEIPT REQUESTED ec: City of New Bedford

Mayor's Office Health Department

**DEP-SERO** 

Attn: Gerard Martin, Deputy Regional Director

Attn: Dawn Stolfi Stalenhoef, Chief Regional Counsel

Attn: Lisa Ramos, Regional Enforcement Office

**Licensed Site Professional** 

Marilyn Wade

MWade@BrwnCald.com

cc: <u>DEP-SERO</u>

Regional Enforcement Office

## COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION

AVX Corporation 1 AVX Boulevard Fountain Inn, SC 29644	)	File No.: ACO-SE-09-3P-016–AMEND#4
--	---	------------------------------------

## AMENDMENT OF ADMINISTRATIVE CONSENT ORDER

The Department of Environmental Protection ("Department" or "MassDEP") and the Respondent agree to amend and incorporate the following changes into the Administrative Consent Order ACO-SE-09-3P-016 and amendments Amend#1 through Amend#3 for the sole purpose of addressing the letter providing written notice of dispute that was submitted to MassDEP by counsel for the Respondent dated December 12, 2016:

- 1. Section III, paragraph 22, that stated in the original document and Amendments #1-#3:
- 22. Respondent may invoke the following dispute resolution procedures to challenge a decision by MassDEP under Paragraphs 14 and 20 of this Consent Order:
  - (b). The parties shall participate in a conference call or meeting to attempt to resolve the dispute within ten (10) days of MassDEP's receipt of Respondent's notice of dispute.

is hereby amended to:

- 22. Respondent may invoke the following dispute resolution procedures to challenge a decision by MassDEP under Paragraphs 14 and 20 of this Consent Order:
  - (b). The parties shall participate in a conference call or meeting to attempt to resolve the dispute within forty-five (45) days of MassDEP's receipt of Respondent's notice of dispute.
- 2. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
- 3. This Consent Order Amendment shall become effective on the date that it is executed by MassDEP.

Date: UCC 22, 2016

- The Department represents that the Regional Director has the authority to issue this Order 4. on behalf of the Department.
- All of the original provisions contained in Paragraph 22 remain in full force and effect for 5. all other instances of dispute resolution except for the dispute raised in the above referenced letter from counsel for the Respondent dated December 12, 2016.
- provisions of this Order specifically Section III, which addresses the

6.	terms and conditions for imposing stipulated penalties, remain in full force and effect
Conse	ented To:
By:	Evan Slavitt Senior Vice President, General Counsel & Corporate Secretary AVX Corporation 1 AVX Boulevard Fountain Inn, South Carolina 29644
Federa	al Employer Identification Number: 33-0379007
Date:	
Issued DEPA By:	Millie Garcia-Serrano, MPH Regional Director Department of Environmental Protection 20 Riverside Drive Lakeville, Massachusetts 02347